

## Message Text

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ACTION IO-14

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-14 RSC-01 ISO-00

ACDA-19 CIAE-00 DODE-00 PM-07 INR-10 L-03 NSAE-00

NASA-04 NSC-07 SCI-06 SSO-00 INRE-00 DRC-01 /149 W

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O R 161942Z MAY 74

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 5818

INFO USMISSION USUN NEW YORK

AMEMBASSY MOSCOW

C O N F I D E N T I A L GENEVA 3081

DEPT PLEASE PASS DOD AND NASA URGENTLY

E.O. 11652: GDS

TAGS: TSPA, PFOR, UN, UR

SUBJECT: OUTER SPACE LEGAL: REGISTRATION CONVENTION

1. SUMMARY: AT MAY 16 MTG OF INFORMAL SUB-GROUP ON REGISTRATION CONVENTION ATTENDED BY 13 DELS, TECTS BELOW WERE GENERALLY SUPPORTED AS SATISFACTORY RESOLUTION OF MARKING ISSUE, AND HENCE OF REGISTRATION CONVENTION AS A WHOLE. DELEGATION RECOMMENDS USG ACCEPTANCE.

2. DETAILS. THIRTEEN LEGAL SUBCOMMITTEE DELS MET AM THURSDAY MAY 16 IN EFFORT TO DISCOVER WHETHER ANY COMMON GROUND EXISTS ON MARKING AND REVIEW CLAUSE PROVISIONS, WHICH ARE FINAL REMAINING ISSUES IN REG CON. AFTER LENGTHY DISCUSSION, GROUP CLEARLY FAVORED CANADIAN MARKING PROPOSAL (GENEVA 3010, PARA 7), WHICH FOR CONVENIENCE, IS REPEATED PARA 3 THIS TEL. AUSTRALIAN DELEGATION, WITH GENERAL SUPPORT, SUGGESTED DRAFTING CLARIFICATION BY ADDING WORDS "OR BOTH" IN ORDER TO ENSURE THAT IF A STATE USED BOTH AN INTERNATIONAL DESIGNATOR AND A REGISTRATION NUMBER WITH REGARD TO A PARTICULAR VEHICLE, ITS REPORT OF THIS FACT WOULD, OF  
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COURSE REFER TO BOTH THE DESIGNATOR AND THE NUMBER.

3. CANADIAN-PROPOSED TEXT FOR ART III BIS WITH AUSTRALIAN MODIFICATION READS: "WHENEVER A SPACE OBJECT LAUNCHED INTO EARTH ORBIT OR BEYOND IS MARKED WITH THE APPROPRIATE INTERNATIONAL DESIGNATOR OR REGISTRATION NUMBER OF BOTH REFERRED TO IN ARTICLE III(1)(B), THE STATE OF REGISTRY SHALL NOTIFY THE SECRETARY-GENERAL OF THIS FACT WHEN SUBMITTING THE INFORMATION REGARDING THE SPACE OBJECT IN ACCORDANCE WITH ARTICLE III. IN SUCH CASE, THE SECRETARY-GENERAL SHALL RECORD THIS NOTIFICATION IN THE CENTRAL REGISTER." COMMENT: WE SEE NO DIFFICULTY IN ACCEPTING ABOVE TEXT, WHICH SIMPLY ADDS SIMULTANEOUS REPORTING REQUIREMENT TO ORIGINAL CANADIAN PROPOSAL THE ACCEPTANCE OF WHICH WAS AUTHORIZED BY USG INSTRUCTIONS. PRIMARY ALTERNATIVE FORMULA UNDER LEGAL SUBCOMMITTEE CONSIDERATION WOULD REQUIRE REPORT WHENEVER SPACE OBJECT WAS NOT RPT NOT MARKED WHICH, AS REPORTED GENEVA 3049, USDEL HAS ALREADY INDICATED IS UNACCEPTABLE. INTENSIVE DISCUSSION OF MARKING ISSUE HAS ALSO BROUGHT REVIEW CLAUSE UNDER RENEWED CONSIDERATION (GENEVA 3049).

4. SUBCOMMITTEE MEMBERS OF GROUP OF 77 HAVE UNDERTAKEN STRONG EFFORT TO INCLUDE SPECIFIC REFERENCE TO MARKING AS A FOCAL SUBJECT FOR ANY FUTURE REVIEW CONFERENCE. THUS, EXTENSIVE SUPPORT WAS GIVEN TO CANADIAN SUGGESTION THAT LAST SENTENCE OF ART III BIS (SEE ANNEX B, P. 42 OF 1973 OUTER SPACE COMMITTEE REPORT, A/9020, SUPP.20) READ AS FOLLOWS: "SUCH REVIEW SHALL TAKE INTO ACCOUNT IN PARTICULAR ANY RELEVANT TECHNOLOGICAL DEVELOPMENTS (ALREADY AGREED, THEN ADD) INCLUDING THOSE DEVELOPMENTS RELATING TO THE EFFECTIVENESS OF THE MARKING OF SPACE OBJECTS REFERRED TO IN ARTICLE III BIS". AS REPORTED, USDEL STRONGLY STATED THIS FORMULA NOT ACCEPTABLE.

5. AT MAY 16 DISCUSSION A SECOND PROPOSAL CONCERNING REVIEW CLAUSE WAS TO ADD TO "TECHNOLOGICAL DEVELOPMENTS" THE PHRASE "INCLUDING THOSE RELATING TO THE MARKING OF SPACE OBJECTS". A THIRD PROPOSAL WAS TO ADD "INCLUDING THE EFFECTIVENESS OF THE SYSTEM ESTABLISHED IN ART III BIS".  
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USDEL ALSO REJECTED THESE PROPOSALS. AFTER LENGTHY DISCUSSION, BRAZIL PROPOSED YET ANOTHER FORMULA WHICH WE BELIEVE IS ACCEPTABLE. THAT FORMULA READS "TECHNOLOGICAL DEVELOPMENTS, INCLUDING THOSE RELATING TO THE IDENTIFICATION OF SPACE OBJECTS." COMMENT: THIS PROPOSAL WOULD MEAN ONLY THAT IF, AFTER THE CONVENTION HAS BEEN IN FORCE FOR 5 YEARS, AND ONE THIRD OF THE PARTIES TO THE CONVENTION EXERCISE THE OPTION TO CALL FOR A

REVIEW CONFERENCE AND A MAJORITY OF THE PARTIES CONCURS, THE CONFERENCE WILL TAKE INTO ACCOUNT "RELEVANT TECHNOLOGICAL DEVELOPMENTS INCLUDING THOSE RELATING TO THE IDENTIFICATION OF SPACE OBJECTS". ADVANTAGE OF BRAZILIAN SUGGESTION IS THAT IT RELATES TO BROADER SUBJECT OF "IDENTIFICATION", RATHER THAN TO MARKING; IT PICKS UP USG-AGREED LANGUAGE IN (A) PENULTIMATE PREAMBULAR PARA OF THEE DRAFT REG CON WHICH STATES THAT AMONG THE PURPOSES TO BE SERVED BY THE CONVENTION IS "TO PROVIDE FOR STATES PARTIES ADDITIONAL MEANS AND PROCEDURES TO ASSIST IN THE IDENTIFICATION OF SPACE OBJECTS FOR THE PURPOSES SET OUT IN THIS CONVENTION" AND (B) ART V PROVISION ON PARTIES HAVING SPACE TRACKING FACILITIES WILL FURNISH, ON APPROPRIATE TERMS AND TO THE EXTENT FEASIBLE, ASSISTANCE IN IDENTIFYING AN OBJECT THAT HAS RETURNED TO EARTH AND CAUSED DAMAGE TO A PARTY UNABLE TO IDENTIFY THE ORIGIN OF THE OBJECT. WE DO NOT CONSIDER BRAZILIAN ADDITION TO THE REVIEW CLAUSE WOULD REQUIRE ANY DISCLOSURES FROM STATES REGARDING TECHNOLOGICAL DEVELOPMENTS. WE THEREFORE RECOMMEND USG AGREEMENT TO THIS SUGGESTION AS ACCEPTABLE PACKAGE RESOLVING THE REMAINING PRINCIPLE ISSUES OF REG CON.

6. BOTH TEXTS WE RECOMMEND ABOVE HAVE BEEN APPROVED BY UK, FRANCE, CANADA, BELGIUM, AUSTRALIA AND JAPAN IF US WILL AGREE, AND THEY HAVE EXPRESSED HOPE US WILL DO SO.

7. DURING AFTERNOON MEETING OF WORKING GROUP, THE USSR DEL STATED THAT ABOVE PROPOSALS ARE ACCEPTABLE WITH THREE MINOR DRAFTING CHANGES WHICH HAVE NOT YET BEEN ADDRESSED; (A) IN ART III(1)(C), OMIT WORDS "OR FACILITY." (FOLLOWING MEETING SOVS AND OTHERS AGREED TO SUBSTITUTUTE "OR LOCATION" FOR "OR FACILITY".) (B) IN CONFIDENTIAL

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ART III BIS, ART IV(1) AND IN PREAMBULAR PARA 7, DELETE WORDS "CENTRAL" AS MODIFIER OF REGISTRY WHICH SYG IS TO MAINTAIN. (C) IN ART III (1)(B), DELETE WORD "INTERNATIONAL" FROM PHARSE "AN APPROPRIATE INTERNATIONAL DESIGNATOR....." COMMENT: USSR DEL APPARENTLY PRODUCED THESE DRAFTING CHANGES ONLY WHEN THEY CONCLUDED THERE WAS A STRONG POSSIBILITY OF CONCLUDING REG CON NEGOTIATIONS ON A SATISFACTORY BASIS. WHILE THERE MAY BE GRUMBLING BY SOME AT LAST-MOMENT PROPOSALS, WE THINK THEY WILL LIKELY BE AGREED TO WITHOUT MUCH DEBATE.

8. IF NO OBJECTIONS PERCEIVED AND NO ADDITIONAL DEVELOPMENTS, DEL WILL PLAN ACCEPTING ABOVE CHANGES AT SUBCOMMITTEE MEETING AM TUESDAY, MAY 21. REQUEST RESPONSE BY COB GENEVA MONDAY MAY 20. ABRAMS

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## Message Attributes

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**Channel Indicators:** n/a  
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**Concepts:** SPACECRAFT, OUTER SPACE REGISTRATION TREATY, MEETING DELEGATIONS  
**Control Number:** n/a  
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**Draft Date:** 16 MAY 1974  
**Decaption Date:** 01 JAN 1960  
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**Disposition Approved on Date:**  
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**TAGS:** TSPA, PFOR, UR, UN, OUTER SPACE COMMITTEE  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005